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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,143	10/16/2001	Aravind Soundararajan	US 010519	6224

24737 7590 10/22/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/981,143

Applicant(s)

SOUNDARARAJAN, ARAVIND 

Examiner

Gims S Philippe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

This is a first action in response to application no. 09/981,143 filed on October 16, 2001 in which claims 1-20 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-8, 10, 12-14, 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Horne et al. (US Patent no. 5515377).

Regarding claims 1, 10, and 12, Horne discloses a base-layer components that are configured to decode a base-layer input stream, and to produce therefrom a base-layer output stream (See fig. 1, item 80), enhancement-layer components that are configured to decode an enhancement-layer input stream, and to produce therefrom information that supplements the base-layer output stream to provide an enhanced output stream (See fig. 1, item 85), and a controller, operably coupled to the enhancement layer components, that is configured to control the decoding of the enhancement-layer input

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stream, based on a defined subset of the base-layer output stream (See col. 8, lines 63-67 and col. 9, lines 1-11).

As per claims 2 and 13, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, Horne further provides decoding wherein the base-layer input stream corresponds to an encoding of a series of image frames, and the defined subset of the base-layer output stream includes a defined region within the image frames that is smaller in size than the image frames (See fig. 1, items 20, 30, 40 and 50, and col. 3, lines 25-38).

Regarding claims 3 and 14, most of the limitations of these claims have been noted in the above rejection of claim 2. In addition, Horne further provides decoding wherein the enhancement-layer input stream corresponds to at least one of: a spatial enhancement, a temporal enhancement, a data enhancement, and a signal-to-noise enhancement (See col. 4, lines 50-58, and col. 5, lines 1-12).

As per claims 5 and 16, most of the limitations of these claims have been noted in the above rejection of claims 2 and 13. In addition, items 75 and 90 of fig. 1 are considered as the first and second controllers.

As per claims 6-8 and 17-19, the limitations of these claims call for MPEG decoder for both the base layer and the enhancement layer comprising devices that all MPEG

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decoders contain, thus, it is the examiner stand that decoder 80 and decoder 85 provide all the claimed components, and decoder 14 of fig. 2 illustrates the claimed summation.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horne et al. (US Patent no. 5515377) in view of Demos (US Patent no. 5988863).

Regarding claims 4 and 15, it is noted that Horne is silent about the temporal enhancement which includes MPEG B-frames.

Demos discloses a method and apparatus of providing enhanced output streams including the temporal enhancement including MPEG B-frames (See Demos' Abstract, and col. 2, lines 26-29).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Horne's enhancement layer by incorporating Demos' temporal enhancement layer including MPEG-B frames. The motivation for performing such a modification in Demos is to achieve a higher resolution as taught by Demos (See Demos col. 8, lines 29-35).

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5. Claims 9, 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horne et al. (US Patent no. 5,515,377) in view of Li (US Patent no. 6,275,531).

As per claims 9, 11, and 20, most of the limitations of these claims have been noted in the above rejection of claims 1 and 10.

It is noted that Horne is silent about details such as enhancement layer input stream corresponding to a user selection, pattern recognition, color recognition.

However, Li discloses an enhancement method, device and system including enhancement layer input stream corresponding to a user selection, pattern recognition, color recognition (See Li col. 1, lines 25-28, lines 51-54, and col. 3, lines 28-33).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Horne by incorporating Li's teachings in order to provide layer input stream corresponding to a user selection, pattern recognition, color recognition. The motivation for performing such a modification in Horne is to an efficient scalable method with increased resolution as taught by Li (See Li col. 3, lines 1-3).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

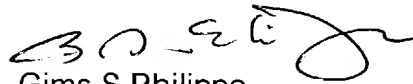
Parke et al. (US Patent no. 5349383) teaches two-layer video signal coding.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S Philippe whose telephone number is (703) 305-1107. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on (703) 305-4780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gims S Philippe  
Primary Examiner  
Art Unit 2613

GSP

October 17, 2004